

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ALLIANTGROUP, L.P.,

*Plaintiff,*

vs.

BRAD MOLS,

*Defendant.*

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NO. 4:16-CV-03114

**ALLIANTGROUP, L.P.'S ORIGINAL ANSWER  
AND DEFENSES TO BRAD MOLS' COUNTERCLAIM**

ALLIANTGROUP, L.P. ("ALLIANTGROUP") files this Original Answer and Defenses to Brad Mols' Counterclaim to each corresponding paragraph as set forth therein as follows:

**ANSWER TO COUNTERCLAIM**

**III. COUNTERCLAIM**

62. ALLIANTGROUP admits that the primary purpose of the Employment Agreement to which the restrictive covenants therein are ancillary or part of was entered into in connection with Mols at-will employment to render personal services to ALLIANTGROUP. ALLIANTGROUP further admits that Texas law applies in all respects to the Employment Agreement. Except as expressly admitted, ALLIANTGROUP denies the remaining allegations contained in paragraph 62 and further denies that Mols is entitled to any relief under TEX. BUS. & COMM. CODE § 15.51(c) or otherwise against ALLIANTGROUP.

63. ALLIANTGROUP admits that it, but not Mols, shall be entitled to recover its reasonable attorney's fees and costs incurred in enforcement of any provision of the Employment Agreement in the event of Mols' breach. Except as expressly admitted, ALLIANTGROUP

denies the remaining allegations contained in paragraph 63 and further denies that Mols is entitled to any relief under CAL. CIVIL CODE § 1717 or otherwise against ALLIANTGROUP.

64. ALLIANTGROUP denies the allegations, if any, in paragraph 64 and further denies that Mols is entitled to any of the declarations requested therein. Each of the requested declarations have either already been established as the law of the case in favor of ALLIANTGROUP and/or are within the relief already requested in ALLIANTGROUP's original claims against Mols. Therefore, declaratory relief is unavailable to Mols. *See BHP Petroleum Co. v. Millard*, 800 S.W.2d 838, 841 (Tex.1990). Because Mols is not entitled to the declaratory relief sought, ALLIANTGROUP denies that Mols is entitled to any relief under TEX. CIV. PRAC. & REM. CODE § 37.009 or otherwise against ALLIANTGROUP.

65. ALLIANTGROUP denies the allegations contained in paragraph 65 and further denies that Mols is entitled to any relief under CAL. CIVIL CODE § 3426.4, TEX. CIV. PRAC. & REM. CODE § 134A.005, or otherwise against ALLIANTGROUP.

#### **IV. CLAIM FOR RELIEF**

66. For the reasons set forth above and below, ALLIANTGROUP denies that Mols is entitled to any relief from ALLIANTGROUP and respectfully requests that the Court enter a judgment that Mols take nothing on his claims and that ALLIANTGROUP have and recover its reasonable attorney's fees and costs incurred in defense of those claims and all such other and further relief to which it may be entitled at law or in equity.

#### **DEFENSES TO COUNTERCLAIM**

Without waiving the foregoing denials and admissions, and pleading in the alternative when necessary, ALLIANTGROUP pleads the following defenses and reserves the right to plead additional defenses that may become apparent during the defense of this lawsuit:

FIRST DEFENSE

Mols' Counterclaim should be dismissed, in whole or in part, under FED. R. CIV. P. 12(b)(6), for failure to state a claim upon which relief may be granted.

SECOND DEFENSE

Because Mols (improperly) invoked the Texas Uniform Declaratory Judgments Act, ALLIANTGROUP seeks its reasonable and necessary attorney's fees and costs under TEX. CIV. PRAC. & REM. CODE § 37.009.

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ALLIANTGROUP reserves the right to plead additional defenses as the facts of this case are developed.

Respectfully submitted,

/s/ John T. Simpson

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 6, 2017, I electronically filed the foregoing document using the CM/ECF system, which will automatically send notification of this filing to the following counsel of record:

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/s/ Allan H. Neighbors, IV  
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